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December 17, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Thomas J. Sugrue
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Room 3-C252
Washington, D.C. 20554

Re: Part 101 Petition for Rulemaking, Fixed Point-to-Point Communications Section,
Wireless Communications Division, Telecommunications Industry Association,
RM-9418, Ex parte

Dear Mr. Sugrue:

On March 5, 1998, the Fixed Point-to-Point Communications Section, Wireless Communications Division, Telecommunications Industry Association ("TIA Fixed Section"), filed the above-referenced Petition for Rulemaking ("Petition").¹ The Petition was filed to increase access to the 21.2-23.6 GHz band ("23 GHz Band") by fixed point-to-point terrestrial microwave service ("FS") users.

Increasing available spectrum for FS users is in the public interest. FS users support emerging wireless technologies and essential public services. In the Petition, the TIA Fixed Section proposed several rule changes that would provide such spectrum relief by making the 23 GHz Band more "user friendly" for the FS. These proposals include: re-channelizing the band, relaxing antenna standards, permitting conditional licensing, and modifying spectrum efficiency/frequency tolerance criteria.

The record demonstrates that support for these proposals was unanimous. However, even though the Petition was filed over 18 months ago, and even though the record was closed almost one year ago, the Commission has yet to take any action.

¹The Telecommunications Industry Association ("TIA") is the principal industry association representing all telecommunications equipment manufacturers, including manufacturers of FS equipment. Members of the TIA Fixed Section serve, among others, companies, including telephone carriers, utilities, railroads, state and local governments, and cellular carriers, licensed by the Commission to use private and common carrier bands for provision of important and essential telecommunications services. Sometimes, a product-oriented division or a section of such a division within TIA will file in a proceeding representing the views of only the members of that division or section. The Petition, and this letter, is such a filing from the TIA Fixed Section only.

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Any further delay in acting on the Petition undermines the FS industry and contravenes the public interest. For the reasons set forth below, an immediate need exists for adoption of the proposals in the Petition. Thus, the TIA Fixed Section respectfully requests that such action be taken as expeditiously as possible.²

NEED FOR FS "USER FRIENDLY" SPECTRUM IS ACUTE

Spectrum to support FS is being lost. Systematically, FS users are being removed from the 2 GHz band to clear spectrum for emerging technologies, including personal communications services ("PCS") and Mobile Satellite-Services.

Promised replacement spectrum in the 6 GHz, 11 GHz, 18 GHz (i.e., 17.7-19.7 GHz), and other bands generally remains unusable due to acute congestion and due to increased Fixed Service-Satellite band sharing. As detailed below, the 23 GHz Band would be a viable option if the proposed changes are implemented.

INCREASING FS USER ACCESS TO THE 23 GHz BAND WOULD PROVIDE SUCH SPECTRUM RELIEF

Potential limited relief from this spectrum shortage fortunately exists in the 23 GHz Band. It is shared by federal government and non-governmental entities, is allocated for FS use and is suitable for the medium or high-capacity, short-range systems that require the additional spectrum.

Availability of the 23 GHz Band for FS has been restricted significantly. Excessive delay in the coordination and application process associated with government sharing, outmoded channel plans, and inappropriate operating criteria, have made this band unattractive for FS licensees. Expeditious adoption of the rules proposed by the TIA Fixed Section would result in significant progress towards resolving these problems.

THE TIA FIXED SECTION RULE PROPOSALS PROVIDE NEEDED RELIEF FOR FS USERS

In the Petition, the TIA Fixed Section proposed that the Commission amend its rules to:

- ◆ **Re-channelize the 23 GHz Band, modify spectrum efficiency/frequency tolerance criteria and permit Common Carrier and Private Operational Fixed users to share the entire band to make it more accessible to FS users.**

These changes would make the 23 GHz Band more attractive for the short-haul, high-capacity FS systems that comprise the backbone of an evolving national wireless infrastructure. These wireless communications networks require short-hop

²This ex parte letter is being filed pursuant to Section 1.1204(b)(2) of the Commission's rules. 47 C.F.R. § 1.1204(b)(2) (1999).

microwave links to interconnect with switching offices and the telephone network, to support the increased number of systems used for wireless Internet access, and to facilitate the expansion of private microwave networks for the transmission of voice and data traffic.

Under the TIA Fixed Section's proposals, a greater choice of wideband and narrowband channels would be available. Furthermore, tighter spectrum efficiency and stricter frequency tolerance specifications would be imposed. Thus, efficiency would be increased, flexibility would be enhanced, and use of state-of-the-art digital radios would be encouraged. With these changes, congestion in the 18 GHz band also would be addressed because FS users could migrate to the 23 GHz Band.

◆ **Modify antenna standards in the 10-, 11-, and 23 GHz Bands by FS users, including PCS and other wireless operators.**

The TIA Fixed Section proposed rule changes so that smaller diameter FS antennas could be used in the 10 and 11 GHz bands, as well as in the 23 GHz Band. In these bands, small diameter antennas are very appropriate for accommodating FS users requiring short path lengths. Additionally, small diameter antennas further provide low profile, aesthetically pleasing installations often required in urban or campus systems, and in residential areas.

Further, the TIA Fixed Section proposed antenna standards conform with international specifications. If these standards are adopted, it would be easier for U.S. manufacturers to market their product overseas.

Given the rapid deployment of wireless networks and the long lead time needed by manufacturers to modify their product, prompt action on these proposals is needed. Otherwise, the FS manufacturing industry would be at a significant disadvantage in selling their equipment to domestic and overseas markets.

◆ **Permit digital modulation in the 1.990-2.110 GHz, 2.450-2.4835 GHz, 6.875-7.125 GHz and 12.7-13.25 GHz bands for Part 74 Television Broadcast Auxiliary Service.**

Current Part 74 broadcast auxiliary rules prohibit using digital studio-to-transmitter ("STL") links. Unless this prohibition is eliminated and digital links can be used, high-definition television ("HDTV") will not be available because its broadcast signal must be transmitted over a digital STL link.

This problem is not speculative. Certain broadcasters at the forefront of providing HDTV have been frustrated because the Commission will not grant applications for digital STL links pending the outcome of this Petition.

◆ **Increase the scope of permissible 23 GHz Band conditional licensing by relaxing inter-government coordination procedures.**

Making conditional licensing more readily available would increase usage of the 23 GHz Band. The TIA Fixed Section proposed achievable safeguards to protect government operations in these bands.

No objections from the National Telecommunications Information Administration ("NTIA") were filed. However, the Commission will not permit such licensing pending action on the Petition.

The TIA Fixed Section appreciates the Commission's interest in providing FS users the appropriate resources to continue supporting broadband wireless and other important technologies. Based upon the record developed in the comments addressing the Petition, action on the proposed rules will further contribute to promoting these services without compromising the needs of other users.

If you have any questions or require additional information concerning this matter, please do not hesitate to contact our counsel in this matter, Robert J. Miller, or the undersigned. Moreover, representatives of the TIA Fixed Section would be glad to meet with you and your staff if it would be helpful.

Respectfully submitted,

Fixed Point-to-Point Communications Section,
Wireless Communications Division,
Telecommunications Industry Association

By:  _____

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CERTIFICATE OF SERVICE

I, John Derr, Manager, Technical & Regulatory Affairs for the Telecommunications Industry Association, (TIA), hereby certify that a copy of the foregoing letter to Mr. Thomas J. Sugrue was sent this 17th day of December, 1999, via hand delivery and/or first class mail to the following:

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